

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America	)	
v.	)	
Dillon Colby Herrington	)	Case No.
DOB: [REDACTED]	)	
	)	
	)	
	)	

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of _____ in the
_____ in the District of Columbia, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1752(a)(1) - Knowingly Entering or Remaining in any Restricted Building or Grounds Without Lawful Authority,	
18 U.S.C. § 1752(a)(2) - Disorderly and Disruptive Conduct in a Restricted Building or Grou,	
18 U.S.C. § 1752(a)(2)(4) - Knowingly Engage in any act of Physical Violence Against any Person or Property in a Restricted Building ,	
40 U.S.C. § 5104(e)(2)(F) - Willfully and Knowingly Engage in an act of Physical Violence in the Grounds of the Capitol Building ,	
18 U.S.C. § 231(a)(3) - Commit or Attempt any act to Obstruct Impede or Interfere with Law Enforcement in the Lawful Performance of his Official Duties,	
18 U.S.C. § 111(a)(1) - Forcibly Assault, Resist, Opposes Impede, Intimidate, or Interfere .	

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Complainant's signature

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 06/07/2021


 2021.06.07
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Judge's signature

City and state: Washington, D.C.

Robin M. Meriweather, U.S. Magistrate Judge
Printed name and title

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Special Agent with the Federal Bureau of Investigation (FBI) and is presently tasked with investigating criminal activity in and around the Capitol grounds. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detention, investigation, or prosecution of a violation of Federal criminal laws. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

Probable Cause Specific to Herrington

Surveillance from the exterior and interior of the U.S. Capitol Building depicted rioters inside and outside of the building who were unauthorized to enter and/or be upon the grounds of the Capitol. While reviewing surveillance footage, law enforcement observed an individual located on the exterior grounds of the U.S. Capitol Building. The individual was attired in a camouflage pullover-style jacket with a distinguishable yellow patch on the left arm of the jacket, camouflage pants, a yellow scarf, and a red hat with the words “Make America Great Again.”

Surveillance footage captured the individual on two separate occasions attempting to strike members of law enforcement with objects. The individual was captured throwing a wooden 4”x4” piece of lumber in the direction of members of law enforcement. At this time, based upon the surveillance footage reviewed, you Affiant does not believe that any member of law enforcement was struck by the wooden 4”x4” piece of lumber.

Figure 1



Additional surveillance captured the individual standing near a metal electrical box. While standing near the electrical box, the individual appears to have an unknown object in his hands which he appears to throw in the direction of law enforcement. While standing near the box, the individual takes hold of a metal barricade and throws the barricade in the direction of law enforcement. No member of law enforcement was struck with the metal barricade.

Figure 2

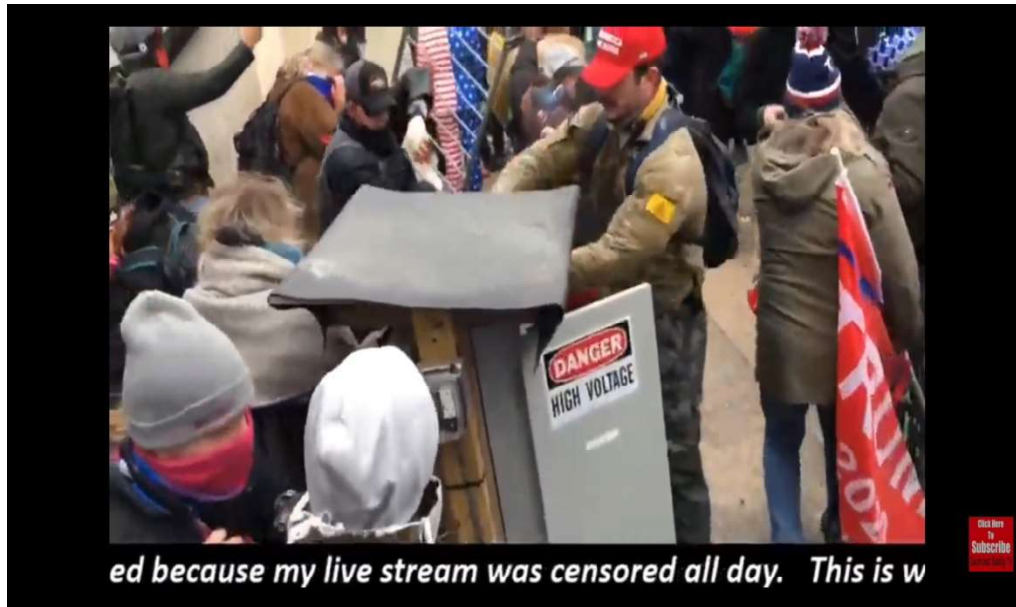


Figure 3



Figure 4



An FBI tip line was established for the purpose of receiving tips from the public who may have knowledge of the unidentified individual.

Figure 5



On May 6, 2021, a complainant (“Witness-1”) provided a tip to the FBI regarding his/her knowledge of the individual depicted in the photos in Figure 5. Witness-1 observed the photographs depicted in *Figure 5* and positively identified the individual as Dillon **HERRINGTON**. According to Witness-1, **HERRINGTON** lives in Madison, Alabama. Witness-1 knows **HERRINGTON** and has known **HERRINGTON** for approximately 17 years. Witness-1 is a member of law enforcement and is familiar with **HERRINGTON**. Witness-1 had no knowledge that **HERRINGTON** traveled to the District of Columbia to attend the Trump rally and did not speak with **HERRINGTON** after January 6, 2021.

Your Affiant obtained the driver’s license of an individual identified as **HERRINGTON**. The license indicated that **HERRINGTON**’s address is [REDACTED]. Upon comparing the driver’s license photograph of Dillon **HERRINGTON** to the individuals depicted in *Figures 1-5*, your Affiant has reason to believe that the person depicted in *Figures 1-5* is likely **HERRINGTON**.

Your Affiant has also determined that, at approximately 5:00 p.m. on January 6, 2021, the District of Columbia Metropolitan Police Department located and detained an individual who identified himself as Dillon **HERRINGTON** on the grounds outside of the Capitol Building. Upon observing **HERRINGTON**, officers noted that **HERRINGTON** had a knife protruding from his rear pant pocket. Concerned about the safety of the crowd and officers, D.C. officers elected to detain **HERRINGTON**. After obtaining **HERRINGTON**’s contact information, officers placed the knife in **HERRINGTON**’s backpack before escorting him off the premises.

During his detention, **HERRINGTON** provided the officers with his Alabama driver’s license, bearing license number xxxx166. **HERRINGTON** also provided his cellular telephone number, xxx-xxx-2269, and provided his address as [REDACTED]. A review of the driver’s license picture confirmed that **HERRINGTON** was in fact Dillon C. **HERRINGTON**. After collecting **HERRINGTON**’s personal contact information, officers released **HERRINGTON** because the extent of his conduct was unknown at the time. At the time of the detention, the officers were not aware of the assaults described above. Body worn camera captured from the camera of a D.C. Metropolitan Officer captured **HERRINGTON** providing the officer with his personal identifying information including his name, address, and date of birth. Your Affiant has compared the facial features, body build, and clothing of the individual in *Figures 1-5*, and they closely match **HERRINGTON**’s appearance in the BWC footage, as shown in *Figure 6*. **HERRINGTON** is observed wearing a military-style camouflage jacket with a yellow patch, a multi-colored scarf, and a red “Make America Great Again” hat. **HERRINGTON** was also in possession of a blue backpack.

Your Affiant has reviewed cellular telephone records obtained during this investigation. As such, your Affiant believes that **HERRINGTON** was in fact on the grounds of the U.S. Capitol Building, although he did not enter the U.S. Capitol Building.

Figure 6



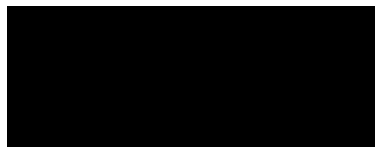
At no time was **HERRINGTON** authorized to be inside the U.S. Capitol complex.

Based on the foregoing, your affiant submits that there is probable cause to believe that **HERRINGTON** violated 18 U.S.C. § 1752(a)(1), (2), and (4), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; and (4) knowingly engage in any act of physical violence against any person or property in any restricted building or grounds, or to attempt or conspire to do any of the foregoing. For purposes of Section 1752 of Title 18, a “restricted building” includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that **HERRINGTON** violated 40 U.S.C. § 5104(e)(2)(F), which makes it a crime to willfully and knowingly engage in an act of physical violence in the Grounds or any of the Capitol Buildings.

Your affiant submits there is probable cause to believe that **HERRINGTON** violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Finally, your affiant submits there is probable cause to believe that **HERRINGTON** violated 18 U.S.C. § 111(a)(1), which makes it crime to forcibly assault, resist, opposes impede, intimidate, or interfere with any person designated in section 1114 of Title 18 while engaged in or on account of the performance of official duties. For purposes of Section 1114 of Title 18, a designated person means any officer or employee of the United States while engaged in the performance of official duties, or any person assisting such an officer or employee in the performance of such duties.



Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone, this 7th day of June 2021.



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ROBIN M. MERIWEATHER
U.S. MAGISTRATE JUDGE